

**The Honorable Don Young**  
**Chairman, Committee on Transportation and Infrastructure**  
**Testimony before the Subcommittee on Technology and the House**  
**Committee on Rules**  
June 17, 2004

Mr. Chairman and Members of the Committee, thank you for the opportunity to share my views about Rule X and the future of the Select Homeland Security Committee with you.

First, let me say that Rule X works well for the Transportation Committee. I see no reason to change Rule X as it relates to the jurisdiction of the Transportation and Infrastructure Committee. I am not asking to increase our jurisdiction, nor would I support a transfer of any portion of our legislative jurisdiction to another committee.

Some have argued that a separate standing committee, focused solely on homeland security, is necessary for the House to perform its oversight role of the new Department of Homeland Security (DHS). This assumes that the standing committees aren't up to this important task; that somehow the standing committees are either incapable or uninterested in oversight and producing effective homeland security legislation. It also presumes that a new committee, with little subject matter expertise or institutional knowledge can produce better legislation than the standing committees.

This argument is flawed, and the evidence points to the exact opposite conclusion. In fact, only the standing committees have the expertise and institutional knowledge necessary to address terrorism. Other than the Homeland Security Act and its technical corrections bill, the standing committees have enacted every homeland security bill. And we were focused on the terrorist threat long before the country woke up to terrorism on 9/11.

The standing committees have always led the way on terrorism, and they still do. The Senate recognizes this fact, and has not changed its existing committee structure.

As most of you know, I did not believe a Homeland Security Committee was necessary for the House to address the terrorist threat last year, and not much has happened since then to change my mind.

Homeland security is an important issue and terrorism is a serious threat, but the standing committees are best prepared to address this threat. The standing committees have the Member expertise, institutional knowledge, and a proven track record of homeland security legislation.

Member expertise and institutional knowledge are absolutely essential to producing effective legislation. Members can't be experts on everything. That's why we have committees. And that type of expertise takes years and even decades to develop.

The homeland security role of the agencies that make up the department is not a separate and distinct function from their traditional missions; rather, it can only be effectively accomplished within the context of those missions.

A thorough understanding of the aviation system is required to produce effective aviation security legislation, or that one needs to understand the pharmaceutical industry and our health care system to draft an effective bioterrorism bill. Only members with a thorough understanding of these traditional missions will be able to craft effective legislation that addresses the homeland security aspect of these agencies.

To use aviation as an example, I can safely say that nobody in the House knows more about aviation.... or aviation security, than Subcommittee Chairman Mica and Ranking Member Oberstar. Collectively those two Members have close to fifty years experience with aviation.

The U.S. aviation system is based on a careful balance of highly complex rules, regulations, procedures, infrastructure, and engineering. This system has produced the world's safest aviation industry. Preserving that balance is impossible without the expertise that comes from having dealt with these issues for many years, as the members of the Transportation Committee have.

Aviation safety and security are closely linked, especially in such areas as air traffic control, aircraft maintenance, missile threats, passenger control, and aircraft operating procedures. Even minor policy changes can have wide-ranging negative impacts on other aspects of aviation.

The point I'm making with aviation is true in other areas as well. The agencies' traditional and homeland security missions are intertwined, and you need to understand one to effectively address the other.

While you may be able to draw a distinction between these missions in the House Rules, it doesn't exist on a Coast Guard cutter patrolling our coasts or on the street with first responders. In the real world, those missions are linked, and our policy in Washington should reflect that reality.

In addition to having the expertise to address terrorism, the standing committees have focused on this threat for years.

At this point, I would like to read part of a statement that was given by a colleague of mine on the House floor. The issue at hand was preparing our first responders for a terrorist attack.

"The pictures of that awful day are a sobering reminder of the new threats of evil that Americans face, but they also remind us of how grossly unprepared our Nation was and still is to respond to such a disaster.

"This bill will not prevent a terrorist attack. However, it will help us prepare for the inevitable and ensure that our emergency personnel have the right training and equipment to save lives."

Chairwoman Tillie Fowler of our Emergency Management Subcommittee made those remarks on July 25th, 2000. The House passed the Preparedness Against Terrorism Act that day, by unanimous voice vote, but it never made it out of the Senate.

The standing committees have a long history of focusing on terrorism and crafting legislation to address it. The problem has never been a lack of focus or interest by the standing committees; rather, the missing ingredient was a national consensus that terrorism should be a top priority. And Congress, as a whole, reflected the national will and was unable to commit sufficient resources or make the tough policy choices terrorism required.

9/11 changed that, and within days or a few weeks the standing committees had legislation ready. This was possible because the standing committees had worked on these issues for years. They knew what the major problems were and how to solve them.

The Transportation Committee has a long and proven record of protecting the nation from terrorism. For your review, I have included a list of bills produced by our committee with my testimony. They range from the Aviation Security Act of 1989 to the Coast Guard and Maritime Transportation Authorization Act of 2004.

Similarly, the other standing committees have produced a long list of bills protecting the country from terrorism.

In short, the standing committees have the expertise and institutional knowledge, they're focused on the threat, and they have moved virtually all of the homeland security legislation.

I would also like to remind the committee that the Coast Guard and FEMA have critically important missions besides homeland security that require the legislative expertise and oversight of the Transportation Committee. The Coast Guard must continue to safeguard boaters, enforce our fishery and environmental laws, interdict drugs, and respond to oil spills. FEMA must continue to lead the federal government and states to prepare for, mitigate, respond to, and recover from disasters of all types regardless of cause. Both of these agencies have developed a record of performance second to none in the federal government.

Yet troubling signs are beginning to show that these traditional capabilities are suffering. A recent GAO study (included for the record) reported that a number of missions have experienced declines in resource hours from pre-September 11<sup>th</sup> levels, including drug interdiction, international and domestic fisheries enforcement, marine environmental protection, and marine safety. FEMA has lost most of its preparedness programs and funding to other organizations within DHS and is struggling to coordinate the Department's preparedness efforts with mitigation, response, and recovery. Ultimately, failure to maximize these activities will be measured in unnecessary death, suffering, and destruction.

If the House must have a permanent committee, then the select committee should have oversight jurisdiction only. This would not diminish the House's ability, through the standing committees, to produce effective legislation.

If the House creates a permanent committee with legislative jurisdiction, then it must preserve the standing committees' jurisdiction to ensure their expertise is utilized in drafting homeland security legislation.

While not ideal, shared jurisdiction is quite common and manageable in the House. The Parliamentarian has already testified that the Speaker has all the authority he needs to manage overlapping jurisdiction. In this case, the negative procedural aspects of shared jurisdiction are far outweighed by the substantive requirement to produce effective legislation.

Likewise, the perceived burden of having DHS report to multiple committees is far outweighed by the need for congressional expertise and effective legislation. In fact, virtually all departments report to multiple committees without impact on their ability to fulfill their missions.

Exclusive legislative jurisdiction should not be transferred from the standing committees to a permanent homeland security committee. This could severely limit the House's ability to effectively address terrorism through legislation.

In closing, let me say that addressing terrorism is first and foremost a question of substance, not process. We must have the right Members and committees working on the problem, and then make sure the process enables them to get the job done.

There is no substitute for expertise, institutional knowledge, and experience. You need them to get results, and the standing committees are the only place where that depth of knowledge and experience exists.

The stakes are too high to cast them aside.

Thank you, Mr. Chairman.

**The Honorable Don Young**  
**Chairman, Committee on Transportation and Infrastructure**  
**Testimony before the Subcommittee on Technology and the House**  
**Committee on Rules**  
June 17, 2004

The following is a list of major terrorism legislation produced by the Committee on Transportation and Infrastructure:

The Aviation Security Act of 1989  
The Aviation Security Act of 1990  
Portions of the Crime Bill of 1991  
The Railroad and Transit Sabotage Prevention Act of 1995  
The Federal Aviation Authorization Act of 1996  
The Federal Protective Service Reform Act of 1999  
The Preparedness Against Terrorism Act of 2000  
The Airport Security Improvement Act of 2000  
The Air Transportation Safety and System Stabilization Act of 2001  
The Aviation and Transportation Security Act of 2001  
The Arming Pilots Against Terrorism Act of 2002  
The Extended Unemployment Assistance Act of 2002  
The Federal Property Protection Act of 2002  
Title 14 of the Homeland Security Act of 2002  
The Maritime Transportation Security Act of 2002  
The Dam Safety and Security Act of 2002  
The Wastewater Treatment Works Security Act of 2003  
Over-the-Road Bus Security and Safety Act of 2003  
Title 6 of the Century of Aviation Reauthorization Act of 2003  
The Coast Guard and Maritime Transportation Authorization Act of 2004  
Protecting Railroads against Enemy Efforts Through Modernization, Planning,  
and Technology (PREEMPT) Act of 2004